



Waganakising Odawak

Little Traverse Bay Bands of Odawa Indians

Office of Tribal Chairman

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WELFARE OF ADULTS REGULATIONS

REG-WOS-2005-07-030709-004

I. Application of Regulations. These Regulations apply only to Executive Departments and are limited to actions brought by Executive Departments. These Regulations do not apply to actions authorized by the Welfare of Adults Statute which are brought by interested parties that are not part of the Executive branch of government.

Deference to Actions Brought by Non-Governmental Parties. In cases where a private action authorized by the Statute has been commenced in Tribal court, Executive departments shall be precluded from commencing an action regarding the same individual(s) or circumstances involved in the private action, unless:

- A. An Executive Department authorized to bring an action under these Regulations believes that failure to bring an independent action on behalf of an adult Tribal citizen poses a risk to the health, safety, or well-being of the adult Tribal citizen and;
- B. The Chairperson or their designee reviews the case information and the conclusions of the Executive Department, and agrees with the Executive Department and authorizes that department to either intervene in the private action or commence an independent action.

II. Definitions:

- A. “Private Action” An action which is authorized by the Welfare of Adults Statute which is commenced by a non-government party.
- B. “Authorization to Bring Actions” The authority of the Tribal Administrator under WOTC 11.403.B to bring petitions on behalf of adult tribal citizens may be exercised through the Human Services Department – Social Services Program.
- C. “Department” means the LTBB Human Services Department.

III. Procedures for Bringing Actions:

- A. Actions by Executive Departments:

1. **Referrals.** Receipt of information of circumstances requiring action shall be sent to the Director of Social Work, Human Services Department – Social Services Program.
 - a. Executive Departments and Programs, including but not limited to, Health Services, Substance Abuse, Elder's Program, Housing, etc that observe events or circumstances which indicate that an adult Tribal citizen is in an abusive situation, abandoned, medically incapacitated, incompetent, or in situations where the individual is unable to manage their personal, medical, or financial affairs they shall report such circumstances to the Human Services Department- Social Services Program.
 - b. Referrals should be made on a form approved by the Department for this purpose.
 - c. The Human Services Department- Social Services Program may require that the individual making the referral file a written report which provides more information about the reason for the referral, etc. Any report requested by the Human Services Department- Social Services Program should be completed within the time frame provided by the Department.
2. **Follow-up and Investigation** Upon receipt of information that an adult Tribal citizen has been or currently is in an abusive situation, abandonment, medical incapacitation, or in situations where the individual is unable to manage their personal, medical, or financial affairs, the Director of Social Work, Human Services Department – Social Services Program or their designee shall visit the adult to determine whether additional services are needed by the adult, whether action on the part of the Department is necessary to provide such services, and whether the situation calls for additional action or investigation by the Department and/or Law Enforcement.
 - a. The Department will make every reasonable effort to make face-to-face contact with the adult subject within seventy-two (72) hours after receiving the information of a possible abusive situation.
 - b. If Department personnel see any indication in their initial visit of possible criminal violations, they will refer the matter to Tribal Law Enforcement for further investigation

by LTBB or other law enforcement agency having jurisdiction based on the location of the adult.

- c. A report on the initial visit must be completed within thirty (30) days after receiving a complaint/referral.

- 3. **Consultation.** If the initial Department report and/or subsequent law enforcement investigation indicates a need for further action to protect the adult the Department shall consult with Enjinaaknegeng and the Chairperson, or their designee to determine what action, if any, is necessary.
- 4. **Filing Petition.** If a determination is made that a petition should be filed, the Director of Social Work, Human Services Department – Social Services Program shall coordinate with Enjinaaknegeng to file an appropriate petition in Tribal Court.

- B. **Coordination with Law Enforcement Agencies.** The Department is authorized to coordinate with appropriate law enforcement agencies in investigating an adult welfare case.
- C. **Interdepartmental Cooperation.** Upon request from the Department, other Executive departments shall assist the Department in processing adult welfare cases to the extent permitted by LTBB law, or applicable federal law.

CERTIFICATION

As Chairperson, I certify that I approve the Welfare of Adults Regulations.

Date: _____

Frank Ettawageshik, Tribal Chairperson

Received by the Tribal Council Office on: _____ by: _____

As the Legislative Leader and Tribal Council Secretary, we certify that these Welfare of Adults Regulations were approved by the Tribal Council of the Little Traverse Bay Bands of Odawa Indians at a regular meeting of the Tribal Council held on, ____ at which a quorum was present, by a vote of _ in favor, _ opposed, _ abstentions, and _ absent.

Date: _____

Beatrice Law, Legislative Leader

Date: _____

Regina Gasco Bentley, Secretary